

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PAUL E. MASHBURN, JR.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-10-929-M
)	
JOHN WHETSEL, et al.,)	
)	
Defendants.)	


ORDER

On February 8, 2011, United States District Judge Doyle W. Argo, issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, alleging violations of plaintiff's constitutional rights. The Magistrate Judge recommended this action be dismissed without prejudice to the filing of a new complaint. Plaintiff was advised of his right to object to the Report and Recommendation by February 28, 2011. A review of the file reveals no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on February 8, 2011; and
- (2) DISMISSES this action without prejudice to the filing a new complaint.

IT IS SO ORDERED this 2nd day of March, 2011.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE